

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

VLAD J. NOVOTNY and YEE-CHUNG FU
Junior Party
(Patent 6,914,710),

v.

OSAMU TSUBOI, SATOSHI UEDA, YOSHIHIRO MIZUNO,
IPPEI SAWAKI and FUMIO YAMAGISHI
Senior Party
(Application 11/480,512).

Patent Interference No. 105,660 (SCM)
(Technology Center 2800)

*Before SALLY GARDNER LANE, JAMESON LEE, and SALLY C. MEDLEY,
Administrative Patent Judges.*

MEDLEY, Administrative Patent Judge.

Judgment- Request for Adverse-Bd.R 127(b)

- 1 A telephone conference call was held on 09 June 2010 at approximately 2:00
- 2 p.m., involving:
 - 3 1. Mr. Springer, counsel for Novotny,
 - 4 2. Mr. Jackson, counsel for Tsuboi, and

1 3. Sally C. Medley, Administrative Patent Judge.

2 This interference is in the priority phase. Counsel for Junior Party Novotny
3 represented that he had been instructed by Novotny's real party in interest to take
4 no further action in the interference, including not filing a motion for judgment
5 based on priority. We construe Novotny's actions as a request for entry of adverse
6 judgment. 37 C.F.R. § 41.127(b)(4). The request is granted.

7 Accordingly, it is

8 ORDERED that judgment as to the subject matter of Count 1 (Paper
9 1 at 4) is entered against Novotny;

10 FURTHER ORDERED that claims 1-7, 9-16 and 18-22,
11 corresponding to Count 1, of Novotny's involved patent are CANCELLED,
12 35 U.S.C. § 135(a);

13 FURTHER ORDERED that the parties shall note the requirements
14 of 35 U.S.C. § 135(c) and Bd. R. 205; and

15 FURTHER ORDERED that a copy of this judgment be entered in
16 the administrative records of the involved Novotny patent and Tsuboi application.

1 cc (via electronic filing):

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